

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

R. L. MYRICK, JR.,

Plaintiff,

v.

MARK S. GEMPELER, PATRICK  
HAUGHNEY, and ANTHONY  
ROSARIO,

Defendants.

Case No. 18-CV-1574-JPS

**ORDER**

Plaintiff R. L. Myrick, Jr. proceeds in this case *pro se*. On October 9, 2018, he filed a civil rights complaint and a motion to proceed *in forma pauperis*. (Docket #1 and #2). Magistrate Judge David E. Jones, to whom this case was originally assigned, screened Plaintiff's complaint pursuant to 28 U.S.C. § 1915, which requires the court to determine whether a complaint filed *in forma pauperis* is legally sufficient to proceed. (Docket #5). Magistrate Jones observed that Plaintiff's eighteen-page complaint read as an oral history of his life, not "a short and plain statement" showing that he is entitled to relief in federal court. *Id.* at 1 (citing Fed. R. Civ. P. 8(a)(2)). Magistrate Jones ordered Plaintiff to file a more focused amended complaint. *Id.* at 2. Plaintiff did so, but upon screening of the amended complaint, Magistrate Jones again found several deficiencies, including that Plaintiff appeared to be impermissibly seeking habeas-type relief in a suit for damages under Section 1983. (Docket #8). Magistrate Jones gave Plaintiff one final opportunity to submit a viable pleading. *Id.* at 3. Plaintiff then filed his second amended complaint. (Docket #9).

As with Plaintiff's first two complaints, Magistrate Jones screened the second amended complaint pursuant to 28 U.S.C. § 1915. He found that Plaintiff's pleading continued to suffer from a number of fatal defects. (Docket #10). Therefore, on May 1, 2019, Magistrate Jones issued a recommendation to this Court that Plaintiff's complaint be dismissed without prejudice. *Id.* The time for objecting to the recommendation has passed and none has been received. *See* Fed. R. Civ. P. 72; Gen. L. R. 72(c). The Court has considered the recommendation and, in light of its agreement with Magistrate Jones' analysis and without objection from Plaintiff, will adopt it.

Accordingly,

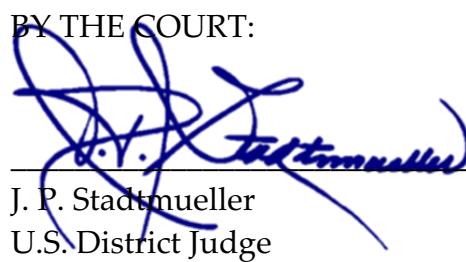
**IT IS ORDERED** that Magistrate Judge David E. Jones' report and recommendation (Docket #10) be and the same is hereby **ADOPTED**; and

**IT IS FURTHER ORDERED** that this action be and the same is hereby **DISMISSED without prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 25th day of June, 2019.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge